

### **REMARKS**

The outstanding issues in the instant application are as follows:

- Claims 1-3, 5-9, and 11-12 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1-12, 20, and 21 are pending in this application.

#### **I. AMENDMENTS**

Applicants have amended paragraph [0001] of the Specification to incorporate the missing application serial number information of the related applications. No new matter was added.

Applicants have amended claim 1 to correct the antecedent basis for the file transfer server element. Support for this amendment can be found through out the specification and, in particular, in original claim 1. Thus, no new matter was added.

Applicants have added new claims 20 and 21. Claim 20 reflects the limitations of claim 4 rewritten in independent form. Claim 21 reflects the limitations of claim 10 rewritten in independent form. Thus, no new matter was added. The Examiner indicated the allowability of claims 4 and 10. By rewriting claims 4 and 10 into independent form in claims 20 and 21, Applicants contend that these claims are now fully allowable.

#### **II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-3, 5-9, and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rao, U.S. Patent No. 6,078,929 (hereinafter *Rao*) in view of Schneider, U.S. Patent No. 6,944,658 (hereinafter *Schneider*).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation

of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejections do not satisfy these criteria.

*A. Claims 1-3 and 5-7*

In rejecting each of the first five limitations of claim 1, the Examiner cites to specific sections of *Rao* which are purported to teach the corresponding claim element. However, in light of the teachings in these selected sections, Applicants believe that neither *Rao* nor the combination of *Rao* with *Schneider* teach or even suggest each and every claimed limitation.

Claim 1 requires, “selecting a common file transfer path from a plurality of common file transfer paths.” The Examiner cites to Column 3, lines 27-45 of *Rao* as teaching this limitation. However, lines 27-45 explain a file organization system that utilizes a Personal Name Space (PNS) system, which will modify the pathname of Internet files that explicitly reside within a particular PNS when that PNS is “mounted” to a shared name space or another name space that supports URL naming. Col. 3, lns 27-45. Nowhere within this cited selection, or within any other disclosure from *Rao*, does *Rao* teach or even suggest that a common file transfer path is selected from a plurality of common file transfer paths. At most, this selected portion of *Rao* explains how the mounted PNS would modify a typical pathname. However, this example naming scheme does not come close to teaching or suggesting the selection of a common file transfer path from a plurality. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 1 further requires, “generating a test file.” The Examiner cites to Column 3, lines 57-59 of *Rao* as teaching this limitation. However, lines 57-59 merely state that, “[w]hen application 15 sends a request or system call to kernel 13 for opening, reading, writing, closing, etc., a file, for example, the request is received by a logical layer 22 ....” Nothing in this statement suggests that a test file is generated. The request or system call made to the kernel is for performing a specific task, i.e., “opening, writing, closing, etc.” a file. The request or system call, therefore, could not equate to a test file. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 1, as amended, further requires, “writing said test file through a file transfer server using said selected common file transfer path.” The Examiner cites to the same

selection from *Rao*, Column 3, lines 57-59, as teaching this limitation. However, as may be viewed above, the cited selection does not discuss or even suggest that a test file is written using the selected common file transfer path. This cited selection also does not refer to writing anything through a file transfer server. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 1 further requires, “requesting said test file from a Web server hosting said Web site.” Again, in support of his rejection, the Examiner cites to the same selection from *Rao*, Column 3, lines 57-59. Here, the cited selection does contemplate the possibility that the application 15 will send a request to open a particular file. However, this request is made to the kernel 13, which receives the request through a logical layer 22. Col. 3, lns 57-59. The claim limitation requires the request to be made from a Web server that is hosting the Website being set up. This Web server is different from the file transfer server referred to in the previous limitations. *Rao* does not teach or even suggest that a test file is written through a file transfer server and then that same test file is requested from a Web server hosting the Website. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 1 further requires, “determining said common file transfer path is valid when said test file is received from said Web server responsive to said requesting.” In support of his rejection, the Examiner cites to Column 4, lines 1-14, of *Rao* as teaching this limitation. However, lines 1-14 discusses how the shared library 16 is capable of determining whether the pathname for a file specified in a system call is located under a PNS for the application user. Col. 3, ln 65 – Col. 4, ln 2. The shared library 16 does not determine whether the path is valid, but only whether the pathname is located under a PNS for the application user. Moreover, *Roa* does not discuss or even suggest that a determination of validity is made when the requested test file is received from the Web server, as required by claim 1. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 1 further requires, “selecting another common file transfer path from said plurality of common file transfer paths when said test file is not received from said Web server, wherein said method is repeated using said another common file transfer path.” The Examiner admits that *Rao* does not teach or suggest this limitation and offers *Schneider* to cure this deficiency. The Examiner states that this selection of another common file transfer

path is taught in the Abstract and through element 915 of Figure 9 in *Schneider*. Without commenting on the motivation to combine the two references, or the Examiner's failure to provide any motivation, *Schneider* does not even teach this limitation. With regard to *Schneider*'s Figure 9, element 915 is a decision block for determining whether or not the requested resource exists. Figure 9. If the resource does exist, then the resource corresponding to the identifier is accessed. Figure 9 (element 920). If the resource does not exist, then a series of further determinations are made as to whether an expected date/time for the resource to exist can be retrieved or generated. Figure 9 (elements 925 & 230). Nothing within these flowchart steps teaches that another common file transfer path is selected from a plurality of common file transfer paths when the test file has not been received from the Web server. Moreover, *Schneider*'s Abstract does not provide any additional detail with regard to the *Schneider* invention that describes or even suggests such an alternative selection process, as required in claim 1. Thus, *Schneider* does not teach or even suggest the claimed limitation.

As each of the required limitations of claim 1 are neither taught nor suggested by either *Rao* or *Schneider* whether alone or in combination, Applicants assert that claim 1 is patentable over the rejection of record. The Examiner is, therefore, respectfully requested to withdraw same.

Claims 2, 3, 5, and 6 each depend, either directly or indirectly on base claim 1, and thus, inherit each of claim 1's limitations. As such, based on this inheritance, claims 2, 3, 5, and 6 each include limitations that are neither taught nor suggested by *Rao* and *Schneider*, whether alone or in combination. Therefore, Applicants assert that claims 1-3, 5, and 6 are each allowable over the cited references and respectfully request the Examiner to withdraw his rejections of record.

***B. Claims 1-3 and 5-7***

Claim 7 requires, "code for selecting a root directory name from of a plurality of standard Web server root directory names." The Examiner cites to Column 3, lines 27-45 of *Rao* as teaching this limitation. However, lines 27-45 explain a file organization system that utilizes a Personal Name Space (PNS) system, which will modify the pathname of Internet

files that explicitly reside within a particular PNS when that PNS is “mounted” to a shared name space or another name space that supports URL naming. Col. 3, Ins 27-45. Nowhere within this cited selection, or within any other disclosure from *Rao*, does *Rao* teach or even suggest that a root directory name is selected from a plurality of standard Web server root directory names. At most, this selected portion of *Rao* explains how the mounted PNS would modify a typical pathname. However, this example naming scheme does not come close to teaching or suggesting the selection of a root directory name from a plurality of common root directory names. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 7 further requires, “code for generating a sample file.” The Examiner cites to Column 3, lines 57-59 of *Rao* as teaching this limitation. However, lines 57-59 merely state that, “[w]hen application 15 sends a request or system call to kernel 13 for opening, reading, writing, closing, etc., a file, for example, the request is received by a logical layer 22 ....” Nothing in this statement suggests that a sample file is generated. The request or system call made to the kernel is for performing a specific task, i.e., “opening, writing, closing, etc.,” a file. The request or system call, therefore, could not equate to a sample file. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 7 further requires, “code for storing said sample file to said root directory name of a storing computer through a file transfer server.” The Examiner cites to the same selection from *Rao*, Column 3, lines 57-59, as teaching this limitation. However, as may be viewed above, the cited selection does not discuss or even suggest that a sample file is stored using the selected root directory name. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 7 further requires, “code for requesting retrieval of said sample file from a Web server hosting said Web site.” Again, in support of his rejection, the Examiner cites to the same selection from *Rao*, Column 3, lines 57-59. Here, the cited selection does contemplate the possibility that the application 15 will send a request to open a particular file. However, this request is made to the kernel 13, which receives the request through a logical layer 22. Col. 3, Ins 57-59. The claim limitation requires the request to be made from a Web server that is hosting the Website being set up. This Web server is different from the storing computer referred to in the previous limitations. *Rao* does not teach or even suggest that a

sample file is stored to a storing computer and then that same sample file is requested from a Web server hosting the Website. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 7 further requires, “code for determining said root directory name is authentic when said sample file is retrieved from said Web server.” In support of his rejection, the Examiner cites to Column 4, lines 1-14, of *Rao* as teaching this limitation. However, lines 1-14 discusses how the shared library 16 is capable of determining whether the pathname for a file specified in a system call is located under a PNS for the application user. Col. 3, ln 65 – Col. 4, ln 2. The shared library 16 does not determine whether the root directory name is authentic, but only whether the pathname is located under a PNS for the application user. Moreover, *Rao* does not discuss or even suggest that a determination of authenticity is made when the requested sample file is received from the Web server, as required by claim 7. Thus, *Rao* does not teach or even suggest the claimed limitation.

Claim 7 further requires, “code for selecting a next directory name from said plurality of standard Web server root directory names when said sample file is not retrieved, wherein said code is repeated from said code for generating using said next directory name.” The Examiner admits that *Rao* does not teach or suggest this limitation and offers *Schneider* to cure this deficiency. The Examiner states that this selection of a next directory name is taught in the Abstract and through element 915 of Figure 9 in *Schneider*. As noted above, without commenting on the motivation to combine the two references, or the Examiner’s failure to provide any motivation, *Schneider* does not even teach this limitation. With regard to *Schneider*’s Figure 9, element 915 is a decision block for determining whether or not the requested resource exists. Figure 9. If the resource does exist, then the resource corresponding to the identifier is accessed. Figure 9 (element 920). If the resource does not exist, then a series of further determinations are made as to whether an expected date/time for the resource to exist can be retrieved or generated. Figure 9 (elements 925 & 230). Nothing within these flowchart steps teaches that a next directory name is selected from a plurality of standard Web server root directory names when the sample file has not been received from the Web server. Moreover, *Schneider*’s Abstract does not provide any additional detail with regard to the *Schneider* invention that describes or even suggests such an alternative selection

process, as required in claim 7. Thus, *Schneider* does not teach or even suggest the claimed limitation.

As each of the required limitations of claim 7 are neither taught nor suggested by either *Rao* or *Schneider* whether alone or in combination, Applicants assert that claim 7 is patentable over the rejection of record. The Examiner is, therefore, respectfully requested to withdraw same.

Claims 8, 9, 11, and 12 each depend, either directly or indirectly on base claim 7, and thus, inherit each of claim 7's limitations. As such, based on this inheritance, claims 8, 9, 11, and 12 each include limitations that are neither taught nor suggested by *Rao* and *Schneider*, whether alone or in combination. Therefore, Applicants assert that claims 7-9, 11, and 12 are each allowable over the cited references and respectfully request the Examiner to withdraw his rejections of record.

### III. ALLOWABLE SUBJECT MATTER

The Examiner is thanked for the indication that claims 4 and 10 would be allowable if rewritten in independent form. New claims 20 and 21 reflect the limitations of claims 4 and 10 rewritten in such independent form.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The required fee for this response is reflected on the transmittal sheet. If any additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 47583/P043US/10311290 from which the undersigned is authorized to draw.

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Respectfully submitted,

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